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BY E-FILE

The Honorable Joseph J. Farnan, Jr. United States District Court, District of Delaware 844 North King Street Wilmington, DE 19801

Re:

NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.

C.A. No. 06-311 (JJF)

Dear Judge Farnan:

I write on behalf of my clients, Plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. (collectively, "NICE") and on behalf of Defendant, Witness Systems, Inc. ("Witness"), represented by William Marsden, Esquire, to transmit the attached November 8, 2007 Revised Joint Claim Construction Chart which has been agreed upon by all counsel of record.

Obviously counsel is available should Your Honor have any questions.

Respectfully

Melanie K. Sharp (No. 2501

MKS

cc: Clerk of the Court (by Hand Delivery)

William J. Marsden Jr., Esquire (by Hand Delivery)

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

I. CLAIM CONSTRUCTION AGREED TO BY THE PARTIES

NICE Systems Inc. and Witness Systems Inc. agree to the proposed construction for the following claim terms:

Claims 6 and 7 Claims 6 and 7 Claims 6 and 7 Claims 6 and 7 Claim 7 Claim 14 and 40 Claims 14 and 40 Claims 14 and 40 Claims 14 and 27 Claim 1 and 27 Claims 1 and 27 Claims 1 and 27	CLAIM TERM	PROPOSED CONSTRUCTION
Claims 6 and 7 Claims 6 and 7 Claims 6 and 7 Claim 7 Claims 14 and 40 Claims 14 and 40 Claims 14 and 40 Claims 14 and 27 Claim 1 and 27 Claims 1 and 27		A portion of a random access storage (RAS) device.
Claims 6 and 7 Claims 6 and 7 Claim 7 Claims 14 and 40 Claims 14 and 40 Claims 14 and 40 Claims 14 and 27 Claim 1 and 27 Claims 1 and 27 Claims 1 and 27 Claims 1	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
Claims 6 and 7 Claim 7 Claims 14 and 40 Claims 14 and 40 Claims 14 and 40 Claim 40 Claim 40 Claim 1 and 27 Claims 1 and 27 Claims 1 and 27	telephone call segment	Portion of a telephone call that is bounded by telephony events.
Claim 7 Claims 14 and 40 Claims 14 and 40 Claims 14 and 40 Claim 40 Claim 40 Claim 1 and 27 Claims 1 and 27	lifetime of the telephone call	An entire telephone call.
Claims 14 and 40 Claims 14 and 40 Claims 14 and 40 Claim 40 Claim 41 Claims 1 and 27 Claims 1 and 27	real-time link	A data link providing data regarding telephony events during the call at the occurrence of each telephony event
Claims 14 and 40 Claims 14 and 40 Claim 40 Claim 51 and 27 Claim 1	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
Claims 14 and 40 Claim 40 Claims 1 and 27 Claims 1	telephone call segment	Portion of a telephone call that is bounded by telephony events.
Claim 40 Claims 1 and 27 Claim 1	lifetime of a telephone call	An entire telephone call.
Claims 1 and 27 Claim 1		An entity that is involved in a phone call which can include people, voice response units or placeholders from parties being placed on hold.
Claim 1	lifetimes of telephone calls	Two or more entire telephone calls.
	communication device	A device used for transmitting and/or receiving audio and/or video information.
U.S. No. 7,010,109 Claim 1 conference	conference call	A multi-participant session, even if only two participants are present, one of which is a recording device.
U.S. No. 7,010,109 Claim 1 participant		A communication device or recording device which is present on a conference call.

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

There are 32 non-duplicative claim terms in need of construction by the Court. These disputed claim terms along with the parties' respective proposed construction and citation to intrinsic support are set forth below. The parties have jointly filed an appendix containing copies of the intrinsic and extrinsic evidence relied on by each party.

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

II. DISPUTED CLAIM TERMS AND PROPOSED CONSTRUCTIONS

U.S. PATENT NO: 5,396,371	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. In a method of storing and retrieving audio from a digital audio logger, the steps comprising:				
monitoring an audio source,				
storing audio data from the audio source in a buffer ,		buffer	Memory used for temporary storage of data.	Device in communication with the digital audio tape and the random access storage device that
			Intrinsic evidence:	temporarily stores data.
			Abstract col. 2: 42 col. 2: 45-47 col. 3: 63-65	Intrinsic evidence: '371 Patent, 1:47-54, 2:40-54, 3:63- 68, Figure 1, Abstract (WSNSDE0008692-99).
				'371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70).
writing the audio data from the buffer onto a <u>digital</u>	digital audio tape	digital audio tape	Tape used to store digital data.	Magnetic tape designed for storage of audio in digital form.
audio tape and a random access storage device, and			<u>Intrinsic evidence:</u> Abstract	Intrinsic evidence:
				'371 Patent, 1:50-53, 2:47-48, Figure 1 (WSNSDE0008692-99).
		writing the audio data from	NICE has provided constructions for "buffer" and "digital audio	Transferring audio data from the buffer directly to both a digital

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

				•	
WITNESS' PROPOSED CONSTRUCTION	audio tape and a random access storage device simultaneously. Intrinsic evidence: '371 Patent, 1:50-53; 3:65-68, Abstract, Figure 1 (WSNSDE0008692-99),	'371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70).	'371 Prosecution History, Notice of Allowability pg. 2, dated September 19, 1994 (WSNSDE0008672-74)		
NICE'S Proposed Construction	tape." The remaining words have a plain meaning that is clear and do not require further construction. NICE notes that Witness has withdrawn "random access storage device" as a claim term in need of construction.	Intrinsic evidence: See citations to intrinsic evidence for "buffer" and "digital audio tape."			
WITNESS' DISPUTED CLAIM TERMS	the buffer onto a digital audio tape and a random access storage device				
NICE'S DISPUTED CLAIM TERMS					
U.S. PATENT NO. 5,396,371				retrieving audio from the random access storage device while audio data is written into the digital audio tape and the random access storage device.	8. An audio data storage device, comprising:

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

	the f data from ge device nereto.	55-67, 3:2-	y, 1 June 23, 7-70).	y, Notice of I September
WITNESS' PROPOSED CONSTRUCTION	Two pointers facilitating the simultaneous retrieval of data from the random access storage device and the writing of data thereto.	Intrinsic evidence: '371 Patent, Abstract, 1:55-67, 3:2-6, 4:20, 4:35-38 (WSNSDE0008692-99).	'371 Prosecution History, Amendment pg. 3, dated June 23, 2004 (WSNSDE0008667-70).	'371 Prosecution History, Notice of Allowability pg. 2, dated September
NICE'S PROPOSED CONSTRUCTION	Digital information used to read data from and write data to a storage component.	<u>Intrinsic evidence:</u> Fig. 1 col. 1: 55-68 col. 2: 48-54 col. 4: 1-20		
WITNESS' DISPUTED CLAIM TERMS				
NICE'S DISPUTED CLAIM TERMS	pair of pointers			
U.S. PATENT NO. 5,396,371	a random access storage device having a primary partition for storing audio data and a secondary	partition for storing means for locating data on said primary partition and a pair of pointers in communication with said random access memory, a first of said pointers being	operated to transmit data to said random access storage device and the second of said pointers being	operative to retrieve audio data from said random access storage device.

		l																***************************************		
WITNESS' PROPOSED CONSTRUCTION			Means for converting analog voice signals to digital voice signals.	Intrinsic evidence: 005 Patent Fig. 1 1:40-44 2:7-18	2:55-67, 3:1-6, 3:12-15, 4:54-56 (MYSNSDERMORSONS 22)													-		
NICE'S PROPOSED CONSTRUCTION			A packaged assembly of electronic components that converts analog voice signals to digital voice	orginais.	Intrinsic evidence:	col. 1: 24-28	col. 2: 7-18	col. 2: 55-67	col. 3: 1-18	col. 4: 13-32	col. 4: 36-41	'005 Prosecution History, Appeal	1005 Prosecution History Exam	Answer, pp. 4-9 (Jun. 1995)	'005 Prosecution History, Office	Action, p. 6 (Nov. 1995)	'005 Prosecution History,	Preliminary Amendment, pp. 7-12 (Mar. 1996)	'005 Prosecution History, Office	Action, pp. 2-5 (Aug. 1996)
WITNESS' DISPUTED CLAIM TERMS			circuit modules for converting																	
NICE'S DISPUTED CLAIM TERMS			·																	
U.S. PATENT NO. 5,819,005	1. A modular digital recording logger, comprising:	a housing;	at least two circuit modules in said housing for converting analog voice	signals, each of said circuit	two terminals for receiving	said analog voice signals, each of said terminals being	capable of receiving said	analog voice signals for	conversation;									-		

WITNESS' PROPOSED CONSTRUCTION	Plain language.		Means for compressing that is separate from the means for converting analog voice signals to digital voice signals and contained within the same housing.	Intrinsic evidence: '005 Patent, Fig. 1, 1:45-52, 2:15- 19, 2:23-25, 3:15-22, 3:25-30, 4:30- 32, 4:54-56 (WSNSDE0008925- 32).	'005 Prosecution History, Appellant Brief pg. 6, dated March 21, 1995 (WSNSDE0008764-72).
NICE'S PROPOSED CONSTRUCTION	An electrical wave used to convey voice information. Intrinsic evidence: Figs.1, 2 col. 1: 39-44	201. 2. 40-53 2005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) 2005 Prosecution History, Preliminary Amendment, pp. 16-17 (Mar. 1996)	An assembly of electronic components that compresses digital voice signals. Intrinsic evidence:	Figs. 1, 2 col. 1: 48-50 col. 2: 14-25 col. 3: 25-30 col. 4: 6-9	col. 4: 36-41 col. 4: 61-67 claim 8 claim 18 '005 Prosecution History,
WITNESS' DISPUTED CLAIM TERMS			a circuit for compressing		
NICE'S DISPUTED CLAIM TERMS	analog voice signals				
U.S. PATENT NO. 5,819,005			a circuit in said housing for compressing said digital voice signals received from each of said circuit modules to provide compressed	Voice data;	

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U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			Response, p. 4 (Aug. 1994) '005 Prosecution History, Amendment, p. 4 (Jan. 1995) '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995) '005 Prosecution History, Reply Brief, pp. 2-6 (Aug. 1995) '005 Prosecution History, Office Action, p. 5 (Nov. 1995) '005 Prosecution History, Preliminary Amendment, pp. 7-12 (Mar. 1996) '005 Prosecution History, Office Action, pp. 2-5 (Aug. 1996)	
a first bus in said housing for providing communication between said circuit module and said compressing circuit;		·		
a multiplexer circuit in said housing for providing communication between said compressing circuit and said first bus, wherein said multiplexer circuit multiplexes voice signals exchanged between said compressing circuit and			·	

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U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
said circuit modules on said first bus; and				
a digital audio tape (DAT) drive for storing said	digital audio tape		Tape used to store digital data.	Magnetic tape designed for storage of audio in digital form.
compressed voice data.			<u>Intrinsic evidence:</u>	
			Figs. 1, 2	Intrinsic evidence:
			col. 1: 54-57 col. 2: 35-45	'005 Patent, 2:36-45, 3:34-59, 3:65- 4:5 (WSNSDE0008925-32).
			col. 3: 30 - col. 4: 5	
			'005 Prosecution History, Office Action n 3 (May 1994)	
			2005 Prosecution History.	
			Amendment, pp. 3-4 (Jan. 1995)	
			'005 Prosecution History, Appeal Brief, pp. 3-6 (Apr. 1995)	
MATERIAL STATES			'005 Prosecution History, Exam	
			Allswei, pp. 4-9 (Juli. 1993)	
11. A network system of modular digital recording loggers, comprising:				
at least two digital recording loggers for logging voice conversations, each of said recording loggers comprising:				
a housing;				
a circuit in said housing for converting <u>analog voice</u>		a circuit for converting	An assembly of electronic components that converts (i) analog	Means for converting analog voice signals to digital voice signals and

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U.S. PATENT NO. 5,819,005	NICE'S DISPUTED	WITNESS, DISPUTED	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
signals to and from digital voice signals, said circuit modules including at least	CLAUM 1 ERWIS	CLAIM I ERWIS	voice signals to digital voice signals and (ii) digital voice signals to analog voice signals.	contained within the same housing.
two terminals for receiving said analog voice signals, and wherein each of said			Intrinsic evidence: Figs. 1, 2	1005 Patent, Fig. 1, 1:40-44, 2:7-18, 2:55-67, 3:1-6, 3:12-15, 4:54-56 (WSNSDE0008925-32).
receiving said analog voice signals for recording a two-			col. 1: 24-28 col. 2: 7-18	
way conversation,			col. 2: 55-67	٠
			col. 3: 1-18 col. 4: 13-32	
			'005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995)	
			'005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)	
			'005 Prosecution History, Office Action, p. 5 (Nov. 1995)	
			'005 Prosecution History, Preliminary Amendment, pp. 7-12 (Mar. 1996)	
			'005 Prosecution History, Office Action, pp. 2-5 (Aug. 1996)	
	analog voice signals		An electrical wave used to convey voice information.	Plain language.
			Intrinsic evidence:	
			rigs.1, 2 col. 1: 39-44	

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 2: 46-55 '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) '005 Prosecution History, Preliminary Amendment, pp. 16-17 (Mar. 1996)	
a circuit in said housing for compressing said digital voice signals received from each of said circuit modules to provide compressed voice data,				·
a first bus in said housing for providing communication between said circuit module and said compressing circuit,				
a multiplexer circuit in said housing for providing communication between said compressing circuit and said first bus, wherein said multiplexer circuit multiplexes voice signals exchanged between said compressing circuit and said circuit modules on said first bus,				
a digital audio tape (DAT) drive for storing said	digital audio tape		Tape used to store digital data.	Magnetic tape designed for storage of audio in digital form.

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NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
compressed voice data,			Intrinsic evidence: Figs. 1, 2 col. 1: 54-57 col. 2: 35-45 col. 3: 30 - col. 4: 5 '005 Prosecution History, Office Action, p. 3 (May 1994) '005 Prosecution History, Amendment, pp. 3-4 (Jan. 1995) '005 Prosecution History, Appeal Brief, pp. 3-6 (Apr. 1995) '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)	Intrinsic evidence: '005 Patent, 2:36-45, 3:34-59, 3:65- 4:5 (WSNSDE0008925-32).
a hard disk drive in said housing for storing and reproducing said compressed voice data,				
a first computer in said housing for operating said DAT drive and/or said hard disk drive to store and reproduce said digital voice signals, and				
a second bus in said housing for connecting said computer to said hard disk drive and said DAT drive;		·		
a second computer for processing compressed				

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
digital voice signals				
received from each of said				·
recording loggers; and				
a third bus connecting each of said recording loggers to said second computer.				

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
6. A method for recording information regarding telephone calls comprising one or more segments, comprising:				
(a) receiving audio data regarding one or more telephone call segments relating to one or more telephone calls , and data regarding telephony events associated with said		telephone call	"Telephone calls" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences. Intrinsic evidence: '570 Patent, col. 8, II. 5-11
telephone call segments;				(WSINSDE0009192-254).
	telephony events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program. Intrinsic evidence: Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 34-54 col. 2: 9-24	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events. Intrinsic evidence: '570 Patent, 7:11-13; (WSNSDE0009192-254).
			col. 3: 16-23	Freimmary Amendment, pg. 9,

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US PATENT No. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 6: 35-54 col. 7: 1-59 col. 8: 1-34	dated July 23, 2001 (WSNSDE0009486-98).
			col. 8: 35-47 col. 10: 10-30 col. 14: 60 - col. 25: 47 col. 26: 55-64	'706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).
			col. 27: 6-64 col. 30: 16-23 col. 31: 10 - col. 32: 67 col. 62: 2 - col. 64: 34	'370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(b) storing the received audio data regarding telephone call segments;				
(c) storing the received data regarding telephony events associated with said telephone call segments;				
(d) identifying telephone call segments that relate to one telephone call; and				
(e) constructing a <u>data</u> <u>representation</u> of a lifetime of the telephone call using	data representation		Digital representation of data.	Data structure that represents an object as a single identifiable entity.
data regarding telephony events associated with the telephone call segments of the telephone call, wherein			Abstract Fig. 10 Fig. 16	Intrinsic evidence: '570 Patent, col. 18, Il. 26-35; 28:40-51. (WSNSDE0009192-254).

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
said data representation comprises, for each segment of the call, the location of the stored audio data of that segment and the start time, end time, and duration of that segment.		· .	Fig. 16b Fig. 18 col. 2: 52-3: 23 col. 3: 16-23 col. 5: 14 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 7: 1-28 col. 14: 12-37 col. 20: 53 - col. 22: 8 col. 20: 53 - col. 26: 8 col. 25: 48 - col. 26: 8 col. 25: 48 - col. 26: 8 col. 29: 6-15 col. 29: 37 - col. 30: 8 col. 39: 31: 11 - col. 55: 57 col. 62: 2 - col. 64: 34	
		data representation of a lifetime of the telephone call	Data (e.g., voice information and/or metadata) representing an entire telephone call. Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Col. 2: 52 - col. 3: 23	Call-centric data record of the telephone call that includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. The data representation represents only the telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.

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US PATENT NO. 6,249,570	NICE'S DISPUTED	WITNESS' DISPUTED	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	CLAIM LEKINS	CLAIM LERWIS		
			col. 3: 16-23	Intrinsic evidence:
			col. 5: 14 - col. 6: 16	'570 Patent, 5:20-23; 6:10-11; 7:11-
			col. 6: 29-67	28; 8:1-16; 8:35-47; 20:34-60;
			col. 7: 1-28	21:31-35; 21:59-22:1; 28:40-29:15;
			col. 8: 34-65	36:47 – 38:65: 42:21-25: 54:18-26:
			col. 14: 12-37	Figs. 16, 16B; 7:13-16; 20:34-60;
			col. 20: 53 - col. 22: 8	25:52-55; 26:16-20; 27:18-24;
			col. 24: 35-46	28:45-48; 30:19-23.
			col. 25: 48 - col. 26: 8	(Wainaideough 192-234).
			col. 29: 6-15	
	-		col. 29: 37 - col. 30: 8	
			col. 31: 11 - col. 55: 57	
			col. 62: 2 - col. 64: 34	
		constructing a data	NICE has provided constructions for "data representation of a	Using data regarding telephony events to associate telephone call
		representation	lifetime of the telephone call,"	segments of a telephone call to
		of a lifetime of	"telephony events," "telephone call	form a data representation of the
		the telephone	segments" and "telephone call." The remaining words have a plain	litetime of the telephone call, and not using an identifier or key to
		regarding	meaning that is clear and do not	form the data representation.
		telephony events	require further construction.	
		associated with	Intrinsic evidence:	Intrinsic evidence:
		the telephone	See citations to intrinsic evidence	27:29-64: 31:39 – 32:50.
		of the	for "data representation of a	(WSNSDE0009192 -254).
		telephone call	lifetime of the telephone call,"	
	•		"telephony events," "telephone call segments" and "telephone call."	'345 Prosecution History, Second
				Transment transments pp. 7 19;

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Witness' Proposed Construction	dated July 23, 2001 (WSNSDE0009486-98).		Entire conversation with an entity from a caller's perspective, including transfers and conferences.	<u>Intrinsic evidence:</u> '570 Patent, col. 8, Il. 5-11. (WSNSDE0009192-254).	'370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001	(WSNSDE0010051-56).	led Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the by call, the addition or removal of callers, the transfer of the phone call, or the termination of the call),
NICE'S PROPOSED CONSTRUCTION			"Telephone calls" has a plain meaning that is clear and does not require further construction.				Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.
WITNESS' DISPUTED CLAIM TERMS			telephone call				telephony event
NICE'S DISPUTED CLAIM TERMS							telephony events
US PATENT No. 6,249,570		7. A method for recording information regarding telephone calls comprising one or more segments, comprising:	(a) receiving audio data regarding one or more telephone call segments relating to one or more	telephone calls, and data regarding telephony events associated with said telephone call segments, wherein the data regarding	telephony events is received from a plurality of sources connected to a	cerephone switching environment, wherein at least one of the sources is a real-time link and at least one of the sources is not a real-time link;	

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT No. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			Intrinsic evidence: Abstract Fig. 4	and are not identifying numbers. Agent-entered information is not data regarding telephone events.
·			Fig. 6 Fig. 7 Fig. 9 col. 1: 34-54	<u>Intrinsic evidence:</u> '570 Patent, 7:11-13; (WSNSDE0009192-254).
			col. 2: 9-24 col. 3: 16-23 col. 6: 35-54 col. 7: 1-59	'345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98).
			col. 8: 1-34 col. 8: 35-47 col. 10: 10-30 col. 14: 60 - col. 25: 47 col. 26: 55-64	'706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).
			col. 27: 6-64 col. 30: 16-23 col. 31: 10 - col. 32: 67 col. 62: 2 - col. 64: 34	'370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(b) storing the received audio data regarding telephone call segments;				
(c) storing the received data regarding telephony events associated with said telephone call segments;				

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
(d) identifying telephone call segments that relate to one telephone call; and	·			
(e) constructing a <u>data</u> <u>representation</u> of a lifetime	data representation		Digital representation of data.	Data structure that represents an object as a single identifiable entity.
of the telephone call using data regarding telephony			<u>Intrinsic evidence:</u>	
events associated with the			Abstract	Intrinsic evidence:
telephone call segments of			Fig. 10	'570 Patent, col. 18, Il. 26-35;
the telephone call.			Fig. 16	28:40-51. (WSNSDE0009192-254).
			Fig. 16b	
			Fig. 18	
			col. 2: 52-3: 23	-
			col. 3: 16-23	
			col. 5: 14 - col. 6: 16	
			col. 6: 29-67	
			col. 7: 1-28	
			col. 8: 34-65	
,			col. 14: 12-37	
			col. 20: 53 - col. 22: 8	
			col. 24: 35-46	
			col. 25: 48 - col. 26: 8	
			col. 29: 6-15	
			col. 29: 37 - col. 30: 8	
			col. 31: 11 - col. 55: 57	
			col. 62: 2 - col. 64: 34	
		data representation	Data (e.g., voice information and/or metadata) representing an entire	Call-centric data record of the telephone call that includes a
		1	0	

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S	WITNESS'	NICE'S PROPOSED	WITNESS, PROPOSED
	DISPUTED	DISPUTED	CONSTRUCTION	CONSTRUCTION
	CLAIM TERMS	CLAIM TERMS		
		of a lifetime of	telephone call.	detailed cumulative start-to-finish
		the telephone		history of a telephone call,
		call	Intrinsic evidence:	including all telephony events and
			Abstract	representation represents only the
			Fig. 10	telephone call, is not event-centric,
			Fig. 16	and is not constructed on a 1-to-1
			Fig. 16b	basis for the events during the total
		-	Fig. 18	inetime of a call.
			col. 2: 52 - col. 3: 23	Interior or information
			col. 3: 16-23	*570 Datant 5:30 33: 6:10 11: 7:11
			col. 5: 14 - col. 6: 16	28: 8:1-16: 8:35-47: 20:34-60:
			col. 6: 29-67	21:31-35; 21:59-22:1; 28:40-29:15;
			col. 7: 1-28	30:19-23; 33:17-20; 36:23-27;
			col. 8: 34-65	36:47 – 38:65; 42:21-25; 54:18-26;
			col. 14: 12-37	Figs. 10, 10B; /:13-10; 20:34-00; 25:52-55: 26:16-20: 27:18-24.
			col. 20: 53 - col. 22: 8	28:45-48; 30:19-23.
			col. 24: 35-46	(WSNSDE0009192-254).
			col. 25: 48 - col. 26: 8	
			col. 29: 6-15	
			col. 29: 37 - col. 30: 8	
			col. 31: 11 - col. 55: 57	
			col. 62: 2 - col. 64: 34	
		constructing a	NICE has provided constructions for "data representation of a	Using data regarding telephony
		representation	lifetime of the telephone call,"	segments of a telephone call to
		of a lifetime of	"telephony events," "telephone call segments" and "telephone call"	form a data representation of the
			definition and telephone can:	media or me corepane can, and

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

	Y		
WITNESS' PROPOSED CONSTRUCTION	not using an identifier or key to form the data representation.	Intrinsic evidence: '570 patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50. (WSNSDE0009192-254).	'345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).
NICE'S PROPOSED CONSTRUCTION	The remaining words have a plain meaning that is clear and do not require further construction.	Intrinsic evidence: See citations to intrinsic evidence for "data representation of a	lifetime of the telephone call," "telephony events," "telephone call segments" and "telephone call."
WITNESS' DISPUTED CLAIM TERMS	call using data regarding telephony	events associated with the telephone call segments of the	telephone call
NICE'S DISPUTED CLAIM TERMS			
US PATENT NO. 6,249,570			

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS? DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
14. A method for recording information regarding telephone calls with three or more participants and comprising one or more participants and comprising one or more telephone call segments, comprising:		·		
(a) receiving audio data regarding one or more telephone call segments;				
(b) receiving data regarding telephony events associated with said telephone call segments;	telephony events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program. Intrinsic evidence: Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 7	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events. Intrinsic evidence: '570 Patent, 7:11-13; (WSNSDE0009192-254).
·	·		col. 1: 37-57 col. 2: 12-27 col. 3: 16-26	'345 Patent, 7:11-13. (WSNSDE0009547-611).

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 11-34 col. 14: 65 - col. 25: 39 col. 26: 47-55 col. 26: 66 - col. 27: 56 col. 30: 8-15 col. 31: 4 - col. 32: 61 col. 64: 55 - col. 68: 42	'345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).
				dated August 15, 2001 (WSNSDE0010051-56).
(c) storing the received audio data regarding telephone call segments;				
(d) storing the received data regarding telephone events associated with said telephone call segments;				
(e) identifying telephone call segments that relate to the same telephone call; and		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences.
				<u>Intrinsic evidence:</u> '570 Patent, col. 8, Il. 5-11. (WSNSDE0009192-254).

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

(f) constructing data representations of lifetimes of telephone calls, wherein said data representations are constructed using data regarding telephony events associated with telephone call segments. The fig. 16 Fig. 18 col. 2: 55 - col. col. 3: 16-26 col. 3: 16-26 col. 3: 16-26 col. 2: 55 - col. col. 3: 16-36 col. 2: 55 - col. col. 2: 56 - col. col. 2: 56 - col. col. 2: 56 - col. col. 2: 59-67 col. 2: 2: 56 - col. col. 2: 59-67 col. 2: 2: 56 - col. col. 2: 59-67 col. 2: 2: 56 - col. col. 2: 59-67 col. 2: 2: 56 - col. col. 2: 59-67 col. 2: 2: 20-67 co	epresentation of data. evidence: t 5 - col. 3: 26 5 - col. 6: 16	(WSNSDE0009547-611). Data structure that represents an object as a single identifiable entity. Intrinsic evidence:
wherein tations wherein saing ephony with ments.	epresentation of data. evidence: t 5 - col. 3: 26 5 - col. 6: 16	ure that represents an single identifiable entity.
	s evidence: t 5 - col. 3: 26 · · 5 - col. 6: 16	<u>ridence:</u>
	5 - col. 3: 26 · · · · · · · · · · · · · · · · · ·	<u>ridence:</u>
ony fs.	5 - col. 3: 26 · · 6-26 · 5 - col. 6: 16	
	5 - col. 3: 26 · · · · · · · · · · · · · · · · · ·	'570 Patent, col. 18, 11. 26-35;
	5 - col. 3: 26 · · 6-26 · 5 - col. 6: 16	28:40-51. (WSNSDE0009192-254).
Fig. 18 col. 2: 55 - col. col. 3: 16-26 col. 5: 15 - col. col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. col. 25: 40-67 col. 28: 66 - col. col. 28: 66 - col. col. 28: 66 - col. col. 29: 29-67 col. 31: 4 - col.	5 - col. 3: 26 · · · 6-26 · · 5 - col. 6: 16	
col. 2: 55 - col. col. 3: 16-26 col. 5: 15 - col. col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. col. 29: 29-67 col. 31: 4 - col.		.345 Fatent, col. 18, 11. 2/-361 28:32 44 (Wengnebooc47 611)
col. 3: 16-26 col. 5: 15 - col. col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. col. 29: 29-67 col. 31: 4 - col.	col. 3: 16-26 col. 5: 15 - col. 6: 16	Wattachoooooo
col. 5: 15 - col. col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. col. 24: 30-41 col. 25: 40-67 col. 29: 29-67 col. 31: 4 - col.	col. 5: 15 - col. 6: 16	
col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.		
col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.	col. 6: 29-67	
col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.	col. 7: 1-28	
col. 14: 18-43 col. 20: 56 - col col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.	col. 8: 34-65	<i>,</i> -
col. 20: 56 - col col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.	col. 14: 18-43	
col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.	col. 20: 56 - col. 21: 7	
col. 25: 40-67 col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.	col. 24: 30-41	
col. 28: 66 - col col. 29: 29-67 col. 31: 4 - col.	col. 25: 40-67	
col. 29: 29-67 col. 31: 4 - col.	col. 28: 66 - col. 29: 8	
col. 31: 4 - col.	col. 29: 29-67	
	col. 31: 4 - col. 58: 64	
col. 64; 55 - col.	col. 64: 55 - col. 68: 42	
	For each telephone call, data (e.g.,	Call-centric data records of the
representations voice informatic of lifetimes of representing an	voice information and/or metadata) representing an entire telephone	telephone calls, where each record includes a detailed cumulative start-

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6.728.345	NICE'S	Withess.	NICE'S PROPOSED	WITNESS, PROPOSED
	DISPUTED	DISPUTED	CONSTRICTION	CONSTRICTION
	CLAIM TERMS	CLAIM TERMS		
		telephone calls	call.	to-finish history of a telephone call,
				including all telephony events and
			Intrinsic evidence:	participants. Each data
			Abstract	single telephone call, is not event-
			Fig. 10	centric, and is not constructed on a
			Fig. 16	1-to-1 basis for the events during
			Fig. 16b	the total lifetime of a call.
			Fig. 18	
			col. 2: 55 - col. 3: 26	<u>Intrinsic evidence:</u>
			col. 3: 16-26	'570 Patent, 5:20-23; 6:10-11; 7:11-
	-	-	col. 5: 15 - col. 6: 16	28; 8:1-16; 8:35-47; 20:34-60;
	wa.		col. 6: 29-67	33:17-20: 36:23-27: 36:47 — 38:65:
			col. 7: 1-28	42:21-25; 54:18-26; Figs. 16, 16B
			col. 8: 34-65	7:13-16; 20:34-60; 25:52-55; 26:16-
			col. 14: 18-43	20; 2/:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254)
			col. 20: 56 - col. 21: 7	(
			col. 24: 30-41	'345 Patent 5·20-23: 6·10-11··
			col. 25: 40-67	7:11-28; 8:1-16; ; 8:35-47; 20:34-
			col. 28: 66 - col. 29: 8	60; 21:34-38; 21:62-22:4; 30:11-15;
			col. 29; 29-67	33:12-15; 36:23-26; 36:46-38:65;
			col. 31: 4 - col. 58: 64	43:48-53; 56:56-64; Figs. 16, 16B:
			col. 64: 55 - col. 68: 42	7:13-16; 20:37-63; 20:44-47; 26:9- 12: 27:9-16: 28:37-40: 30:11-15
	,			(WSNSDE0009547-611).
		wherein said	NICE has provided constructions	Using data regarding telephony
		data	for "data representation,"	events to associate two or more
		representations	"telephony events," and "telephone	segments of a telephone call to
		no paragraphica am	can exements.	totini a data representation of the

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U.S. Patent No. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		using data regarding telephony events	words have a plain meaning that is clear and do not require further construction.	lifetime of the telephone call, and not using identifiers or keys to form the data representations.
		associated with telephone call segments	Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."	<u>Intrinsic evidence:</u> '570 Patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50. (WSNSDE0009192-254).
				'345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).
40. A method for recording information regarding telephone calls comprising one or more telephone call				
segments, wherein said calls comprise calls wherein at least one participant participates in a plurality of segments, comprising:				. •
(a) receiving audio data regarding one or more telephone call segments and data regarding telephone events associated with said telephone call segments;				
(b) storing the received audio data regarding telephone				

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

call segments; (c) storing the received data relephony events events trunk and channel ID, date and time associated with said elephone call segments; telephone calls, that are detected by call (such as the initiation of the call). Which are related to make thappens to a phony or agent ID), which are related to call (such as the initiation of the call). Intrinsic evidence: Fig. 4 Tig. 5 Col. 2: 12-27 Col. 2: 12-27 Col. 2: 12-27 Col. 1: 34 Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98). Col. 16: 65 - col. 27: 56 Preliminary Amendment, pg. 7-9, dated July 23, 2001 (WSNSDE00988-97). Col. 31: 4- col. 32: 61 Col. 30: 81-34 Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE00988-97). Col. 68: 55 - col. 68: 42	U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S Proposed Construction	Witness, Proposed Construction
telephony telephony event Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program. Intrinsic evidence: Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 6 Fig. 7 Fig. 9 Col. 1: 37-57 Col. 2: 12-27 Col. 2: 12-27 Col. 3: 16-26 Col. 3: 16-26 Col. 3: 16-26 Col. 8: 35-47 Col. 10: 11-34 Col. 10: 11-34 Col. 16: 65 - col. 25: 39 Col. 26: 66 - col. 27: 56 Col. 20: 30: 8-15 Col. 30: 8-15 Col. 31: 4 - col. 32: 61 Col. 64: 55 - col. 68: 42	call segments;				
events party and calling party numbers, trunk and channel DD, date and time or agent DD), which are related to telephone calls, that are detected by a computer program. Intrinsic evidence: Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 37-57 col. 2: 12-27 col. 3: 16-26 col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 11-34 col. 14: 65 - col. 25: 39 col. 26: 47-55 col. 26: 47-55 col. 30: 8-15 col. 31: 4 - col. 32: 61 col. 31: 4 - col. 32: 61 col. 64: 55 - col. 68: 42	(c) storing the received data	telephony	telephony event	Actions or occurrences (e.g., called	Actions or occurrences detected by
trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program. Intrinsic evidence: Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 37-57 col. 2: 12-27 col. 3: 16-26 col. 7: 1-59 col. 8: 1-34 col. 14: 65 - col. 25: 39 col. 26: 47-55 col. 26: 47-55 col. 26: 47-55 col. 26: 47-55 col. 31: 4 - col. 32: 61 col. 31: 4 - col. 32: 61 col. 64: 55 - col. 68: 42	regarding telephony events	events		party and calling party numbers,	a computer program and that are
or agent ID), which are related to telephone calls, that are detected by a computer program. Intrinsic evidence: Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 37-57 col. 2: 12-27 col. 2: 12-27 col. 3: 16-26 col. 3: 16-26 col. 4: -59 col. 8: 35-47 col. 10: 11-34 col. 10: 11-34 col. 10: 11-34 col. 26: 66 - col. 25: 39 col. 26: 47-55 col. 26: 66 - col. 27: 56 col. 30: 8-15 col. 31: 4 - col. 32: 61 col. 64: 55 - col. 68: 42	associated with said			trunk and channel ID, date and time	related to what happens to a phone
ic evidence: ct 12-27 16-26 1-59 1-34 35-47 11-34 16-55 16-50 1-34 35-47 11-34	telephone call segments;			or agent ID), which are related to	call (such as the initiation of the
ic evidence: ct 37-57 12-27 16-26 1-59 1-34 35-47 11-34 35-47 11-34 36- col. 25: 39 1: 65 - col. 25: 39 1: 65 - col. 25: 39 1: 47-55 1: 65 - col. 27: 56 1: 8-15 1: 8-15 1: 55 - col. 68: 42	·			a computer program.	callers, the transfer of the phone
ic evidence: ct 37-57 12-27 16-26 1-59 1-34 35-47 1: 11-34 35-47 1: 65 - col. 25: 39 1: 66 - col. 27: 56 1: 8-15 1: 4-col. 32: 61 1: 55 - col. 68: 42)	call, or the termination of the call),
ct 37-57 12-27 16-26 1-59 1-34 35-47 (c) 65 - col. 25: 39 1: 47-55 1: 66 - col. 27: 56 1: 8-15 1: 8-15 1: 8-15 1: 55 - col. 68: 42				Intrinsic evidence:	and are not identifying numbers.
37-57 12-27 16-26 1-59 1-34 35-47 5: 11-34 6: 65 - col. 25: 39 6: 66 - col. 27: 56 1: 8-15 6: 8-15 6: 55 - col. 68: 42				Abstract	Agent-entered information is not
37-57 12-27 16-26 1-59 1-34 35-47 5: 65 - col. 25: 39 5: 47-55 6: 66 - col. 27: 56 1: 8-15 6: 8-15 7: 8-15 8: 8-15 9: 47-55 9: 47-55 9: 47-55 9: 55 - col. 68: 42				Hio 4	uata regarding terephone events.
37-57 12-27 16-26 1-59 1-34 35-47 5: 65 - col. 25: 39 5: 47-55 6: 66 - col. 27: 56 1: 8-15 6: 8-15 7: 8-15 8: 8-15 9: 47-55 9: 55 - col. 68: 42				1.6. 7	
37-57 12-27 16-26 1-59 1-34 35-47 8: 65 - col. 25: 39 8: 66 - col. 27: 56 8: 8-15 8: 8-15 8: 55 - col. 68: 42				Fig. 6	Intrinsic evidence:
37-57 12-27 16-26 1-59 1-34 35-47 8: 11-34 6: 47-55 8: 65 - col. 25: 39 8: 66 - col. 27: 56 1: 8-15 8: 8-15 8: 55 - col. 68: 42				Fig. 7	'570 Patent, 7:11-13;
ol. 25: 39 01. 27: 56 1. 32: 61 01. 68: 42				Fig. 9	(WSNSDE0009192-254).
ol. 25; 39 ol. 27; 56 l. 32; 61 ol. 68; 42			•	col. 1: 37-57	
ol. 25: 39 ol. 27: 56 l. 32: 61 ol. 68: 42				col. 2: 12-27	'345 Patent, 7:11-13.
ol. 25; 39 ol. 27; 56 l. 32; 61 ol. 68; 42				col. 3: 16-26	(WSNSDE0009547-611).
ol. 25: 39 ol. 27: 56 l. 32: 61 ol. 68: 42				col. 7: 1-59	
ol. 25; 39 ol. 27; 56 l. 32; 61 ol. 68; 42				col. 8: 1-34	'345 Prosecution History, Second
ol. 25: 39 ol. 27: 56 l. 32: 61 ol. 68: 42				col. 8: 35-47	Preliminary Amendment, pg. 9,
5 6 9				col. 10: 11-34	dated July 23, 2001 (WSNSDE0009486-98).
9 2				col. 14: 65 - col. 25: 39	
5 6				col. 26: 47-55	706 Prosecution History. Second
7				col. 26: 66 - col. 27: 56	Preliminary Amendment, pg. 7-9,
4				col. 30: 8-15	dated July 13, 2001
				col. 31: 4 - col. 32: 61	(WSNSDE050988-97).
				col. 64: 55 - col. 68: 42	F 0

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(d) identifying telephone call segments that relate to one telephone call;		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences.
	·			<u>Intrinsic evidence:</u> '570 Patent, col. 8, II. 5-11. (WSNSDE0009192-254).
				'345 Patent, col. 8,ll 5-11. (WSNSDE0009547-611).
(e) identifying multiple call segments that have the same participant; and				
(f) constructing <u>data</u> <u>representations</u> of lifetimes	data representations		Digital representation of data.	Data structure that represents an object as a single identifiable entity.
of telephone calls, wherein each data representation			<u>Intrinsic evidence:</u> Abstract	Intrinsic evidence:
of a terephone can is constructed using data regarding telephony			Fig. 10 Fig. 16	'570 Patent, col. 18, II. 26-35; 28:40-51. (WSNSDE0009192-254).
events associated with the telephone call segments of the telephone call			Fig. 16b Fig. 18	'345 Patent, col. 18, Il. 27-36;
			col. 2: 55 - col. 3: 26	20L.32-44 (W SINSDEOUU934/- 611).
			col. 3: 16-26	
,			col. 5: 15 - col. 6: 16	

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	CONSTRUCTION	CONSTRUCTION
	col. 6: 29-67	
	col. 7: 1-28	
	col. 8: 34-65	
	col. 14: 18-43	
	col. 20: 56 - col. 21: 7	
	col. 24: 30-41	
	col. 25: 40-67	
	col. 28: 66 - col. 29: 8	
	col. 29: 29-67	
	col. 31: 4 - col. 58: 64	
	col. 64: 55 - col. 68: 42	
data	For each telephone call, data (e.g., voice information and/or metadata)	Call-centric data record of the
of lifetimes of	representing an entire telephone	includes a detailed cumulative start-
telephone calls	cail.	to-finish history of a telephone call,
		including all telephony events and
	Intrinsic evidence:	participants. Each data
	Abstract	single telephone call, is not event-
	Fig. 10	centric, and is not constructed on a
	Fig. 16	1-to-1 basis for the events during
	Fig. 16b	the total lifetime of a call.
	Fig. 18	
	col. 2: 55 - col. 3: 26	Intrinsic evidence:
	col. 3: 16-26	'570 Patent, 5:20-23; 6:10-11; 7:11-
	col. 5: 15 - col. 6: 16	26, 6.1-10, 6.53-47, 20.54-00, 21:31-35: 21:59-22:1: 30:19-23:
	col. 6: 29-67	33:17-20; 36:23-27; 36:47 – 38:65;
	col. 7: 1-28	42:21-25; 54:18-26; Figs. 16, 16B;

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7	7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).
			col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8	'345 Patent, 5:20-23; 6:10-11; ; 7:11-28; 8:1-16; ; 8:35-47; 20:34-60; 21:34-38; 21:62-22:4; 30:11-15;
			col. <i>29</i> : <i>29</i> -6 / col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42	33:12-15; 36:25-26; 36:40-58:05; 43:48-53; 56:56-64; Figs. 16, 16B: 7:13-16; 20:37-63; 20:44-47; 26:9- 12; 27:9-16; 28:37-40; 30:11-15. (WSNSDE0009547-611).
		wherein each data representation of a telephone call is constructed using data regarding telephony events associated with the telephone call segments of the telephone call segments	NICE has provided constructions for "data representation," "telephony events," "telephone call segments" and "telephone call." The remaining words have a plain meaning that is clear and do not require further construction. Intrinsic evidence: See citations to intrinsic evidence for "data representation," "telephony events," "telephone call segments" and "telephone call."	Using data regarding telephony events to associate two or more segments of a telephone call to form a data representation of the lifetime of the telephone call, and not using identifier or key to form the data representations. Intrinsic evidence: '570 patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50. (WSNSDE0009192-254). '345 Patent, 20:18-36; 26:47-65; 27:21-56; 31:32-32:31. (WSNSDE0009547-611).
				'345 Prosecution History, Second

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(WSNSDE0009486-98).

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Witness' Proposed Construction		Device that receives input from communication channels passively, and is not part of the communications system.	Intrinsic evidence: '372 Patent, 2:57-64, 3:2-6, 7:60- 8:5, 9:11-60 (WSNSDE0009798- 813).	'372 Prosecution History, Amendment pgs. 9-10, dated September 24, 2001 (WSNSDE0009690-704).		Plain meaning.
NICE'S PROPOSED CONSTRUCTION		The stage that serves to capture and pre-process signals from two or more communication channels and interfaces with the recorder stage.	Intrinsic evidence: Figs. 4-6 col. 6: 61-69 col. 7: 51 - col. 9: 53	'372 Prosecution History, Response, pp. 9-11 (Oct. 2001)		The stage that serves for retrieval of recorded information and providing it in a human recognizable form and/or serves for archiving the
WITNESS' DISPUTED CLAIM TERMS		telecom- munications ("telecom") stage		·		
NICE'S DISPUTED CLAIM TERMS		telecom- munications ("telecom") stage				distribution stage
U.S. PATENT NO. 6,775,372	1. A multi-stage data logging system comprising:	a) a telecommunications ("telecom") stage receiving input from a plurality of communication channels;			b) a recorder stage having one or more recorders, at least one recorder logging data associated with information transmitted on at least one of said plurality of communication channels;	c) a distribution stage providing access to data logged in the recorder stage;

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	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WIINESS PROPOSED CONSTRUCTION
			recorded information to removable storage.	
			Intrinsic evidence:	
			Figs. 4-6	
			col. 3: 17-24	
			col. 3: 45-48	
			col. 6: 68 - col. 7: 10	
			col. 7: 20-28	
			col. 11: 42 - col. 12: 68	
			col. 14: 11-40	
			'372 Prosecution History,	
			Response, p. 9 (Oct. 2001)	
			'372 Prosecution History,	-
			recording Fr. (can pee)	
d) a first interface informing the telecom and the recorder				
stages and a second				
interface linking the recorder and the				
distribution stages;				
wherein at least two stages of the system are physically				
separable and in operation can be located wide				
distances apart.				
33. The data logging system of		Web server	A component that provides access	A computer that receives a request
claim 32, wherein the network server is a Web server.			to information accessible from a computer connected to the Internet	tor stored data, retrieves the stored data, and transfers the data over the

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,775,372	NICE'S DISPUTED	WITNESS! DISPUTED	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	CLAIM TERMS	CLAIM TERMS		
			or an intranet.	World Wide Web.
			Intrinsic evidence:	Intrinsic evidence:
			Figs. 4-6	'372 Patent, 4:51-58,12:11-43
			col. 4: 51-60	(WSNSDE0009798-813).
			col. 7: 20-28	
			col. 10: 57-59	'372 Prosecution History,
			col. 12: 12-53	Amendment pg. 13, dated
			col. 14: 11-40	September 24, 2001 (WSNSDE0009690-704).
			'372 Prosecution History,	
			Response, p. 13 (Oct. 2001)	

			•
Witness' Proposed Construction	Call-centric data record of the telephone calls, where each record includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call. Intrinsic evidence: '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47-38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).	'370 Patent, 5:27-30; 6:17-18; 7:19-36; 8: 9-25; 8:44-57;	21:66-22:52; 23:23-27; 23:51-60; 31:7-50; 32:54-58; 35:55-58; 38:48-51; 40:1-42:16; 46:58-62; 60:9-17; Figs 16, 16B; 7:21-24; 21:66-22:52; 28:17-20; 27:50-53: 29:51-57.
NICE'S PROPOSED CONSTRUCTION	For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call. Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Col. 2: 55 - col. 3: 14 Col. 2: 55 - col. 3: 14 Col. 3: 17-30 Col. 5: 21 - col. 6: 23 Col. 6: 23 Col. 6: 37 - col. 7: 8 Col. 7: 9-36 Col. 6: 24 - col. 9: 8 Col. 14: 33-58 Col. 27: 1-12	col. 28: 13-40 col. 31: 41-50	col. 32: 5-43 col. 33: 46 - col. 61: 48 col. 67: 53 - col. 70: 38
WITNESS' DISPUTED CLAIM TERMS	data representations of lifetimes of the telephone calls		
NICE'S DISPUTED CLAIM TERMS			
U.S. Patent No. 6,785,370	1. A method for constructing and maintaining data representations of lifetimes of telephone calls comprising one or more segments, audio data for each segment being recorded on one or more recorded on eor more comprising:		

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WITNESS' PROPOSED CONSTRUCTION	31:12-15; 32:54-58. (WSNSDE0010104-68).		7/:50-53; 29:51-57; 31:12-15;
NICE'S PROPOSED CONSTRUCTION		Data regarding telephony events for one or more segments of a telephone call. Intrinsic evidence: Abstract Fig. 10 Fig. 16 col. 3: 17-30 col. 7: 1-28 col. 7: 1-28 col. 11: 11-56 col. 20: 61 - col. 58: 56 col. 67: 53 - col. 70: 38	
WITNESS' DISPUTED CLAIM TERMS		call record	
NICE'S DISPUTED CLAIM TERMS			
U.S. PATENT NO. 6,785,370		(a) constructing a call record for at least one telephone call;	,

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
				32:54-58. (WSNSDE0010104-68).
		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences.
,				Intrinsic evidence: '570 Patent, col. 8, Il. 5-11. (WSNSDE0009192-254).
		•		'370 Patent, col. 8, 13-15. (WSNSDE0010104-68).
(b) receiving data regarding	telephony	telephony event	Actions or occurrences (e.g., called	Actions or occurrences detected by
associated with one or more	CVCAILS		party and canning party numbers, trunk and channel ID, date and time	a computed program and that are related to what happens to a phone
telephone calls;			or agent ID), which are related to	call (such as the initiation of the
			telephone calls, that are detected by	call, the addition or removal of
			a computer program.	callers, the transfer of the phone call. or the termination of the call).
			Intrinsic evidence:	and are not identifying numbers.
			Abstract	data regarding telephone events.
			Fig. 4)
			Fig. 6	Intrinsic evidence:
			Fig. 7	'570 Patent, 7:11-13:
			Fig. 9	(WSNSDE0009192-254).
			col. 1: 37-57	
			col. 2: 12-27	'370 Patent, 7:21-23.
			col. 3: 17-30	(WSNSDE0010104-68).
			col. 7: 9-67	

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS! PROPOSED CONSTRUCTION
			col. 8: 9-44 col. 8: 45-57 col. 10: 23-51 col. 15: 13 - col. 28: 12 col. 29: 21-29 col. 29: 40 - col. 30: 31 col. 32: 51-58 col. 33: 46 - col. 35: 36 col. 67: 53 - col. 70: 38	'345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).
				Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(c) matching a received telephony event with a constructed call record;	· .	matching a received telephony event with a constructed call record	NICE has provided constructions for "telephony event" and "call record." The remaining words have a plain meaning that is clear and do not require further construction.	Calculating to resolve an ambiguity as to whether a received telephony event is part of a constructed call record.
			Intrinsic evidence: See citations to intrinsic evidence for "telephony event" and "call record."	intrinsic evidence: '570 patent, 8:56 – 10:30; 20:15-32; 12:6-16; 14:38-59; 20:16-32; 25:38-41; Fig. 5, steps 508, 510, 516, 522, 524 and 526. (WSNSDE0009192-254).
				'370 patent, 8:66-10:51; 21:47-65; 12:27-37; 14:59-15:12; 21:47-65; 28:3-6; Fig. 5, steps 508, 510, 516, 522, 524 and 526.

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				(WSNSDE0010104-68). '370 Prosecution History, Second Preliminary Amendment, pg. 4-5, dated August 15, 2001 (WSNSDE0010051-56).
(d) updating the matching call record based on the received telephony event data; and				
(e) combining the updated call record with data indicating the location of recorded audio data for the segment of the call, to obtain a master call record representing the lifetime of the telephone call.		combining the updated call record with data indicating the location of recorded audio data for the segment of the call	NICE has provided constructions for "segment" and "call record." The remaining words have a plain meaning that is clear and do not require further construction. Intrinsic evidence: See citations to intrinsic evidence for "segment" and "call record."	Storing data indicating the location of recorded audio data for the segment of the call in the updated call record, where the updated call record does not previously have such location data Intrinsic evidence: '570 Patent, 3:2-11; 3:14-22; 5:20-23; 7:18-20; 27:65 – 28:16; 28:25-39; 29:6-15. (WSNSDE0009192-254). '370 Patent, 3:7-14; 3:17-30; 5:27-30; 7:26-28; 30:32-50; 30:59-31:6; 31:40-50. (WSNSDE0010104-68).
		segment	The claim term "segment" is used in the claims and specification in the phrase "segment of the call." This claim term has a plain	The term "segment" is indefinite; it can either be a telephone call segment or an audio data segment.

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Transaction second							
WITNESS' PROPOSED CONSTRUCTION	In the alternative, a segment is a portion of a phone call that is bounded by telephony events.	<u>Intrinsic evidence:</u> '570 Patent, 58:11-16. (WSNSDE0009192-254).	'370 Patent, 63:60-65. (WSNSDE0010104-68).	'370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001 (WSNSDE0010051-56).	Call-centric data record of a telephone call that includes (a) data matching the call with the segments that make up the call; (b) data indicating the location of a	recording for each segment; and (c) a detailed cumulative start-to-finish history of the telephone call, including all telephony events and	participants. Each master call record represents only a single call, in non event-centric, and is not constructed on a 1-to-1 bases for
NICE'S PROPOSED CONSTRUCTION	meaning that is clear and does not require further construction. Intrinsic evidence:	Abstract col. 3: 17-30 col. 67: 53 - col. 70: 38			A record containing information about the location of all telephone call segments of an entire telephone call.	Intrinsic evidence: Abstract Fig. 10	Fig. 16 Fig. 16b Fig. 18
WITNESS' DISPUTED CLAIM TERMS					master call record		
NICE'S DISPUTED CLAIM TERMS					master call record		
U.S. PATENT NO. 6,785,370							

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U.S. PATENT NO. 6,785,370	NICE'S	WITNESS'	NICE'S PROPOSED	WITNESS' PROPOSED
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	CONSTRUCTION	CONSTRUCTION
			col. 3: 17-30	of a call.
			col. 5: 21 - col. 6: 23	
			col. 6: 37 - col. 7: 8	<u>Intrinsic evidence:</u>
			col. 7: 9-36	'570 Patent, 3:2-11; 3:14-22; 5:20-
			col. 8: 44 - col. 9: 8	23; 6:10-11; 7:11-28; 8:1-16; 8:35-
			col. 14: 33-58	47; 20:34-60; 21:31-35; 21:59-22:1;
		-	col. 22: 45-63	28:40-29:15; 29:65-30:8; 30:19-23;
			col. 27: 1-12	36.32 - 42.10: $42.21 - 25$: 46.30
			col. 28: 13-40	47:45; 54:18-26; Figs. 16, 16B; 570
			col. 31: 41-50	Patent, 7:13-16; 20:34-60; 25:52-
			col 32. 5.43	55; 26:16-20; 27:18-24; 28:45-48;
			01.0.10.	30:19-23. (WSNSDE0009192-254).
			col. 33: 46 - col. 61: 48	
			col. 67: 53 - col. 70: 38	'370 Patent, 3:7-14; 3:17-30; 5:27-
				30; 6:17-18; 7:19-36; 8: 9-25; 8:44-
				57;21:66-22:52, 23:23-27; 23:51-
				59; 31:7-50; 32:33-43;32:54-58;
				35:5-18; 35:55-58; 38:48-51; 38:58-
				42:16; 45:58-62; 51:7-19; 60:9-17; ;
				Figs. 16, 16B. 370 Patent, 7:21-24;
				21:66-22:52; 28:17-20; 27:50-53;
				29:51-57; 31:12-15; 32:54-58. (WSNSDE0010104-68).
27. A method for constructing		data	For each telephone call, data (e.g.,	Call-centric data records of
and maintaining data		representations	voice information and/or metadata)	telephone calls, where each record
representations of lifetimes		of lifetimes of	representing an entire telephone	includes a detailed cumulative start-
of telephone calls comprising		telephone calls	call.	to-finish history of a telephone call,
two or more segments, audio				including all telephony events and
data for each segment being			Intrinsic evidence:	participants. Each data
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U.S. PATENT NO. 6,785,370	NICE'S	WITNESS'	NICE'S PROPOSED	WITNESS' PROPOSED
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	Construction	CONSTRUCTION
recorders, the method			Abstract	single telephone call, is not event-
comprising the steps of:			Fig. 10	centric, and is not constructed on a
			Fig. 16	1-to-1 basis for the events during
			Fig. 16b	the total infermed of a call.
			Fig. 18	Intrincio avidence.
			col. 2: 55 - col. 3: 14	670 Datout 6:00 00: 6:10 11: 7:11
			col. 3: 17-30	28: 8:1-16: 8:35-47: 20:34-60:
			col. 5: 21 - col. 6: 23	21:31-35; 21:59-22:1; 28:40-29:15;
			col. 6: 37 - col. 7: 8	30:19-23; 33:17-20; 36:23-27;
			col. 7: 9-36	36:47 – 38:65; 42:21-25; 54:18-26;
			col. 8: 44 - col. 9: 8	Figs. 16, 16B; 7:13-16; 20:34-60;
			col. 14: 33-58	28:45-48; 30:19-23.
			col. 22: 45-63	(WSNSDE0009192-254).
			col. 27: 1-12	
			col. 28: 13-40	'370 Patent, 5:27-30; 6:17-18; 7:19-
			col. 31: 41-50	36; 8:9-25; 8:44-57; 21:47-65;
			col. 32: 5-43	21:00-22:52; 23:23-26; 23:51-59;
			col. 33: 46 - col. 61: 48	51; 40:1-42-16; 45:58-62; 60:9-17;
			col. 67: 53 - col. 70: 38	Figs 16, 16B; 7:21-24; 21:66-22:52;
				28:17-20; 27:50-53; 29:51-57;
				51:12-13; 52:34-58. (WSNSDE0010104-68).
(a) constructing a call record		call record	Data regarding telephony events for	Call-centric data record of a
for a telephone call		-	one or more segments of a	telephone call that includes a
comprising two or more			telephone call.	detailed cumulative history of a
segments;				telephone call, including all
			Intrinsic evidence:	telephony events and participants. Each call record represents only a
				Education of the Court of the C

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			Abstract Fig. 10 Fig. 16 Fig. 16b	single call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.
			col. 3: 17-30 col. 7: 1-28 col. 11: 11-56 col. 20: 61 - col. 58: 56 col. 67: 53 - col. 70: 38	Intrinsic evidence: '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 – 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24;
				28:45-48; 30:19-23. (WSNSDE0009192-254). '370 Patent, '370 Patent, 5:27-30;
				6:17-18; 7:19-36; 8: 9-25; 8:44-57; 21:66-22:52; 23:23-27; 23:51-60; 31:7-50; 32:54-58; 35:55-58; 38:48-51; 40:1-42:16; 46:58-62; 60:9-17; Fios 16:16B; 7:21-24: 21:66-22:52:
				28:17-20; 27:50-53; 29:51-57; 31:12-15; 32:54-58. (WSNSDE0010104-68).
		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences.
				Intrinsic evidence:

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WITNESS' PROPOSED CONSTRUCTION	'570 Patent, col. 8, 11. 5-11. (WSNSDE0009192-254). '370 Patent, col. 8, 13-15. (WSNSDE0010104-68).	The term "segment" is indefinite; it can either be a telephone call segment or an audio data segment. In the alternative, a segment is a portion of a phone call that is bounded by telephony events. Intrinsic evidence: '570 Patent, 58:11-16; (WSNSDE0009192-254). '370 Patent, 63:60-65. (WSNSDE0010104-68). '370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001 (WSNSDE0010051-56).	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of
NICE'S PROPOSED CONSTRUCTION		The claim term "segment" is used in the claims and specification in the phrase "segment of the call." This claim term has a plain meaning that is clear and does not require further construction. Intrinsic evidence: Abstract col. 3: 17-30 col. 57: 53 - col. 70: 38	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by
WITNESS' DISPUTED CLAIM TERMS		segment	telephony events
NICE'S DISPUTED CLAIM TERMS			telephony events
U.S. PATENT NO. 6,785,370			(b) receiving data regarding one or more telephony events associated with the telephone call;

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			a computer program.	callers, the transfer of the phone call, or the termination of the call),
			Intrinsic evidence:	and are not identifying numbers.
			Abstract	Agent-entered information is not data regarding telephone events.
			Fig. 4	
			Fig. 6	Intrinsic evidence:
			Fig. 7	.570 Patent, 7:11-13
		-	Fig. 9	(WSNSDE0009192-254).
			col. 1: 37-57	
			col. 2: 12-27	'370 Patent, 7:21-23.
			col. 3: 17-30	(WSNSDE0010104-68).
			col. 7: 9-67	
			col. 8: 9-44	'345 Prosecution History, Second
		•	col. 8: 45-57	Preliminary Amendment, pg. 9,
			col. 10: 23-51	(WSNSDE0009486-98).
			col. 15: 13 - col. 28: 12	
			col. 29: 21-29	'706 Prosecution History, Second
			col. 29: 40 - col. 30: 31	Preliminary Amendment, pg. 7-9,
			col. 32: 51-58	dated July 13, 2001
			col. 33: 46 - col. 35: 36	(WSNSDE050988-97).
			col. 67: 53 - col. 70: 38	
				'370 Prosecution History, Second
				dated August 15, 2001
		•		(WSNSDE0010051-56).
(c) matching said one or		matching said	NICE has provided constructions	Calculating to resolve an ambiguity
more received telephony events with said call		one or more received	for "telephony events" and "call record." The remaining words have	as to whether a received telephony event is part of a constructed call
			2	

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NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
record;		telephony events with said call record	a plain meaning that is clear and do not require further construction. Intrinsic evidence: See citations to intrinsic evidence for "telephony events" and "call record."	Intrinsic evidence: '570 patent, 8:56 – 10:30; 20:15-32; 12:6-16; 14:38-59; 20:16-32; 25:38-41; Fig. 5, steps 508, 510, 516, 522, 524 and 526; (WSNSDE0009192-254).
				'370 patent, 8:66-10:51; 21:47-65; 12:27-37; 14:59-15:12; 21:47-65; 28:3-6; Fig. 5, steps 508, 510, 516, 522, 524 and 526. (WSNSDE0010104-68).
				'370 Prosecution History, Second Preliminary Amendment, pg. 4-5, dated August 15, 2001 (WSNSDE0010051-56).
(d) updating said call record based on said received telephony event data; and			•	
(e) combining said updated call record with data indicating one or more locations of recorded audio data for two or		combining said updated call record with data indicating one or more	NICE has provided constructions for "segments" and "call record." The remaining words have a plain meaning that is clear and do not require further construction.	Storing data indicating one or more locations of recorded audio data for two or more segments of the call in an updated call record does not updated call record does not have a location of the location of t
to obtain a master call record representing the		recorded audio data for two or	<u>Intrinsic evidence:</u> See citations to intrinsic evidence	Intrinsic evidence:

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
lifetime of said telephone call.		more segments of the call	for "segments" and "call record."	'570 Patent, 3:2-11; 3:14-22; 5:20-23; 7:18-20; 27:65 – 28:16; 28:25-39; 29:6-15. (WSNSDE0009192-254).
				'370 Patent, 3:7-14; 3:17-30; 5:27-30; 7:26-28; 30:32-50; 30:59-31:6; 31:40-50. (WSNSDE0010104-68).
	master call	master call	A record containing information about the location of all telephone call segments of an entire telephone call. Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 18 col. 2: 55-3: 14 col. 2: 55-3: 14 col. 3: 17-30 col. 3: 17-30 col. 5: 21 - col. 6: 23 col. 6: 37 - col. 7: 8 col. 7: 9-36 col. 8: 44 - col. 9: 8	Call-centric data record of a telephone call that includes (a) data matching the call with the segments that make up the call; (b) data indicating the location of a recording for each segment; and (c) a detailed cumulative start-to-finish history of the telephone call, including all telephony events and participants. Each master call record represents only a single call, in non event-centric, and is not constructed on a 1-to-1 bases for the events during the total lifetime of a call. Intrinsic evidence: '570 Patent, 3:2-11; 3:14-22; 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1;
			col. 14: 33-58 col. 22: 45-63 col. 27: 1-12	28:40-29:15; 29:65-30:8; 30:19-23; 32:38-50; 33:17-20; 36:23-27; 36:32 – 42:10; 42:21-25; 46:30-

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 28: 13-40	47:45; 54:18-26; Figs. 16, 16B;
			col. 31: 41-50	5/0 Fatent, /:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24;
			col. 33: 46 - col. 61: 48	28:45-48; 30:19-23.
			col. 67: 53 - col. 70: 38	(W 51/5D-2000 192-204).
				'370 Patent, 3:7-14; 3:17-30; 5:27-
				30; 6:17-18; 7:19-36; 8: 9-25; 8:44-
				57;21:66-22:52, 23:23-27; 23:51-
				59; 31:7-50; 32:33-43;32:54-58;
				35:5-18; 35:55-58; 38:48-51; 38:58-
				42:16; 45:58-62; 51:7-19; 60:9-17;
				Figs. 16, 16B. 370 Patent, 7:21-24;
				21:66-22:52; 28:17-20; 27:50-53;
				29:51-57; 31:12-15; 32:54-58.
				(WSNSDE0010104-68).

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A method for accessing information in at least one digital logger storing data associated with input from a plurality of input channels, comprising:				
at a Web server having access to said at least one digital logger, receiving a request for retrieval of stored data from a client;		Web server	A component that provides access to information accessible for a computer connected to the Internet or an intranet.	Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.
			<u>Intrinsic evidence:</u> Fig. 6 col. 4: 66-67 col. 5: 1-12	<u>Intrinsic evidence:</u> '920 Patent, 4:66-67; 5:1-8, 13:3- 39; 15:6-20, 15:30-33 (WSNSDE0010348-63).
			col. 12: 65 - col. 13: 55 col. 15: 7-36	'372 Patent, 4:51-58,12:11-43 (WSNSDE0009798-813).
				'372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704)
				'920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
	digital logger	digital logger	A device, system or software for	A device, system or software for

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			recording, in digital form, audio data representing multiple concurrent telephone calls.	recording audio in digital form. Intrinsic evidence:
			Intrinsic evidence: col. 1: 51-57 col. 5: 1-12	'920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6:56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28,
			col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	(w.SINSLEUU10346-503). '920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
		receiving a request for retrieval of stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server receives a request for retrieval of data stored in the digital logger.
			<u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 29-33	Intrinsic evidence: '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).
			col. 5: 1-12 col. 5: 1-12 col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6 16-28	,
retrieving stored data in accordance with the	-	retrieving stored data	This claim phrase has a plain meaning that is clear and does not	The Web server retrieves data stored in the digital logger.

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

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U.S. Patent No. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
received request; and	·		require construction. Intrinsic evidence: Figs 4-6	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:14-28; 15:17-20
			col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41	(WSNSDE0010348-363).
			col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	
transferring the retrieved data to the client.		transferring the retrieved data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server sends the data retrieved from the digital logger.
			Intrinsic evidence: Figs 4-6 col. 4: 29-33	Intrinsic evidence: '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).
			col. 3: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6 16-28	
3. The method of claim 2 wherein the step of retrieving stored data comprises		retrieving stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server retrieves data stored in the digital logger.
accessing call information for a record of an input channel made by said at least one			Intrinsic evidence:	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
digital logger.			Figs 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	6; 13:14-28; 15:17-20 (WSNSDE0010348-363).
		record of an input channel	Stored voice and/or call information received from an input channel. Intrinsic evidence: col. 1: 40-52 col. 2: 7-16 col. 2: 7-16 col. 3: 1-4 col. 3: 1-4 col. 8: 11-25 col. 8: 11-25 col. 9: 18-21 col. 10: 30-41 col. 11: 10-41 col. 13: 7-13	Record corresponding to an input channel. Intrinsic evidence: '920 Patent, 9:19-21; 11:14-19; 11:46-47 (WSNSDE0010348-363).
	digital logger	digital logger	A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls. Intrinsic evidence:	A device, system or software for recording audio in digital form. Intrinsic evidence: '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363). '920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
16. A method for accessing information stored by at least one digital logger storing data associated with input from a plurality of communication channels, comprising:				
at a Web server having access to said information stored by at least one digital logger over a communications network,		Web server	A component that provides access to information accessible for a computer connected to the Internet or an intranet.	Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.
receiving a request for retrieval of stored data from a user;			<u>Intrinsic evidence:</u> Fig. 6 col. 4: 66-67 col. 5: 1-12	Intrinsic evidence: '920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63);
			col. 12: 65 - col. 13: 55 col. 15: 7-36	'372 Patent, 4:51-58,12:11-43 (WSNSDE0009798-813).
				'372 Prosecution History, Amendment pg. 13, dated September 24, 2001

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		٠.		(WSNSDE0009690-704) '920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
	digital logger	digital logger	A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.	A device, system or software for recording audio in digital form. Intrinsic evidence:
			Intrinsic evidence: col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16	'920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363).
			'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
		receiving a request for retrieval of stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server receives a request for retrieval of data stored in the digital logger.
		·	Intrinsic evidence: Figs. 4-6 col. 4: 29-33 col. 4: 57-67 col. 5: 1-12	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	Construction	CONSTRUCTION
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
			col. 15: 7-36	
			claims 2-6, 16-28	
retrieving said stored data		retrieving stored	This claim phrase has a plain meaning that is clear and does not	The Web server retrieves data
accordance with the			require construction.	סיסוכת זון תוכ תופותו וספפתי
received request; and				Intrinsic evidence:
			Intrinsic evidence:	'920 Patent, 1:14-17; 4:66-67; 5:5-
			Figs. 4-6	6; 13:21-28; 15:17-20
			col. 4: 29-33	(WSNSDE0010348-363).
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
		•	col. 12: 65 - col. 13: 40	
			col. 15: 7-36	-
			claims 2-6, 16-28	
transferring the retrieved		transferring the	This claim phrase has a plain	The Web server sends the data
data to the client.		retrieved data	meaning that is clear and does not require construction.	retrieved from the digital logger.
				Intrinsic evidence:
			Intrinsic evidence:	'920 Patent, 1:14-17; 4:66-67; 5:5-
			col. 4: 29-33	(WSNSDE0010348-363).
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
	-		col. 12: 65 - col. 13: 40	
			col. 15: 7-36	

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NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

18. The method of claim 17 wherein the step of retrieving stored data comprises accessing call information for a record of a communication channel made by said at least one digital logger.		CLAIM TERMS		
18. The method of claim 17 wherein the step of retrieving stored data comprises accessing call information for a record of a communication channel made by said at least one digital logger.			claims 2-6, 16-28	
accessing call information for a record of a communication channel made by said at least one digital logger.		retrieving stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server retrieves data stored in the digital logger.
channel made by said at least one digital logger.			. •	Intrinsic evidence:
000		·	Intrinsic evidence: Figs 4-6	'920 Patent, 1:14-17; 4:66-67; 5:5- 6; 13:14-28; 15:17-20
			col. 4: 29-33	(WSNSDE0010348-363).
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
	***************************************		col. 15: 7-36	
			claims 2-6, 16-28	
		record of a communication channel	Stored voice and/or call information received from a communication channel.	Record corresponding to a communication channel.
				Intrinsic evidence:
			Intrinsic evidence:	'920 Patent, 9:19-21; 11:14-19;
			col. 1: 40-52	11:46-47. (WSNSDE0010348-363)
			col. 2: 7-16	
•			col. 2: 37-38	
		***************************************	col. 3: 1-4	
			col. 5: 1-12	
			col. 8: 11-25	
			col. 9: 18-21	
	***************************************		col. 10: 30-41	
			col. 11: 10-41	

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,870,920	NICE'S	WITNESS,	NICE'S PROPOSED	WITNESS: PROPOSED
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	CONSTRUCTION	CONSTRUCTION
			col. 13: 7-13	
	digital logger	digital logger	A device, system or software for recording, in digital form, audio data representing multiple	A device, system or software for recording audio in digital form.
			concurrent telephone calls.	<u>Intrinsic evidence:</u>
			Intrinsic evidence:	'920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-
			col. 1: 51-57	14, 7:38-54, 10:1323, 10: 26-31,
			col. 5: 1-12	13:3-7, 13:21-28, (WSNSDE0010348-363)
			col. 6: 66 - col. 7: 16	
			'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	'920 Prosecution History, Response
				to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
21. The method of claim 16		retrieving stored	This claim phrase has a plain	The Web server retrieves data
wherein the step of retrieving		data	meaning that is clear and does not	stored in the digital logger.
accessing archived data at the			require construction.	1
Web server corresponding to			Intrinsic evidence:	(920 Patent 1-14-17: 13-14-
channel made by said at least			Figs. 4-6	28(WSNSDE0010348-363).
one digital logger.			col. 4: 29-33	
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
			col. 15: 7-36	
			claims 2-6, 16-28	,
		Web server	A component that provides access	A computer that receives a request
				Mile control of the c

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			to information accessible for a computer connected to the Internet or an intranet.	for stored data, retrieves the stored data, and transfers the data over the World Wide Web.
			<u>Intrinsic evidence:</u> Fig. 6 col. 4: 66-67 col. 5: 1-12	Intrinsic evidence: '920 Patent, 4:66-67; 5:1-8, 13:3- 39; 15:6-20, 15:30-33 (WSNSDE0010348-63);
			col. 12: 65 - col. 13: 55 col. 15: 7-36	'372 Patent, 4:51-58,12:11-43 (WSNSDE0009798-813).
				'372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704);
				'920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
		record of a communication channel	Stored voice and/or call information received from a communication channel.	Record corresponding to a communication channel.
			Intrinsic evidence: col. 1: 40-52	Intrinsic evidence: '920 Patent, 9:19-21; 11:14-19; 11:46-47 (WSNSDE051297-99).
			col. 2: 7-16 col. 2: 37-38 col. 3: 1-4	

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

CLAIM TERMS CLAIM TERMS
digital logger

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WITNESS' PROPOSED CONSTRUCTION	•		Device that initiates, establishes and enables a conference call. Intrinsic evidence: '109 Patent, 5:6-10; 5:46-52; 6:17-32; 6:58-63 (WSNSDE0010653-67).	No. 7,010,106 (*106 Prosecution History), Response to Final, pg. 20-21, dated September 11, 2005 (WSNSDE051234-55).
NICE'S PROPOSED CONSTRUCTION			A component that initiates, enables and/or establishes a conference call. Intrinsic evidence: col. 2: 27-32 col. 3: 39-43 col. 5: 9-10 col. 5: 46-52	col. 6: 21-23 col. 6: 59-63
WITNESS' DISPUTED CLAIM TERMS			confroller	
NICE'S DISPUTED CLAIM TERMS			confroller	
U.S. PATENT NO. 7,010,109	1. A method for recording at least a portion of one or more of a plurality of IP data sessions, each being between at least a first communication device and a second communication device through a network by a recording device, comprising for each IP data session:	initiating the data session by said first communication device with said second communication device;	implementing the data session as a conference call through a conference controller such that said first and second communication devices are connected, respectively, as first and second participants;	

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
		through a conference controller	By use of a conference controller. Intrinsic evidence:	The data packet transmissions of the IP data session pass through the conference controller.
			col. 5: 9-14	Intrinsic evidence: '124 Application, pg. 3; (WSNSDE051300-22).
				'109 Patent, 2:5-12; 2:27-31; 5:2-10; 5:22-6:2; 6:17-32; 6:58-63 (WSNSDE0010653-67).
				'106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72).
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
using the conference controller, selectively entering the recording		recording device	A device which records IP audio and/or video data.	Participant to a session that receives data for recording and monitoring
device to said conference			Intrinsic evidence:	connection or port in the network.

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		he call age	r
ED.	Intrinsic evidence: '109 Patent, 4:44 – 5:5; 5:32-51; 6:16-45. (WSNSDE0010653-67).	Joining the recording device to the conference call as an additional participant after the conference call has been established between the first and second participants. Intrinsic evidence: This is based on the plain language of the claim.	The plurality of data packet transmission between any two or more communication devices. Intrinsic evidence: '109 Patent, col. 1, II. 38-55; 2:5-12; 3:15-25; 3:36-43; 4:9-16; 4:65-5:5; 5:22-39; 5:53-6:2; 6:11-13;
WITNESS' PROPOSED CONSTRUCTION	Intrinsic evidence: '109 Patent, 4:44 – ' 6:16-45. (WSNSDE	Joining the recording device conference call as an additio participant after the conferent has been established between first and second participants. Intrinsic evidence: This is based on the plain la of the claim.	The plurality of data packet transmission between any two more communication devices. Intrinsic evidence: '109 Patent, col. 1, Il. 38-55; 2 12; 3:15-25; 3:36-43; 4:9-16; 5:5; 5:22-39; 5:53-6:2; 6:11-1
WITNESS' PROP CONSTRUCTION	Intrinsic '109 Pate 6:16-45.	Joining the reonference of participant a has been est first and sectors. Intrinsic evic This is base of the claim.	The plura transmiss more cormore cormore with the plant of the plant o
NICE'S PROPOSED CONSTRUCTION	col. 2: 2-8	NICE has provided constructions for "recording device," "conference call," and the parties have agreed to a construction for "participant." The remaining words have a plain meaning that is clear and do not require further construction. Intrinsic evidence: See citations to intrinsic evidence for "recording device" and "conference call."	Communication which includes transmission of IP audio and/or video data. Intrinsic evidence: col. 1: 40-41 col. 2: 8-12 col. 3: 15-22
WITNESS' DISPUTED CLAIM TERMS		entering the recording device to said conference call as an additional participant	·
NICE'S DISPUTED CLAIM TERMS		-	IP data session
U.S. PATENT NO. 7,010,109	participant, wherein the recording device is distinct from the first and second communication devices yet receives as the additional participant at least the portion of the IP data session from each of the first and second participants; and		

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

WITNESS' PROPOSED CONSTRUCTION	6:17-32; (WSNSDE0010653-67).	Provisional Application No. 60/228,124 (the '124 Application), pg. 3 (WSNSDE051300-22).	'106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72), Response, pg. 9; dated April 14, 2005 (WSNSDE051208-16), Response to Final, pg. 20-21, dated September 11, 2005 (WSNSDE051234-55).	'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 25-26, dated October 6, 2005. (WSNSDE0010597-625).	All the data packets transmitted between the first and second participants during the part of the IP data session being recorded. Intrinsic evidence: '109 Patent, col. 1, Il. 38-55; 2:5-12; 3:15-25; 3:36-43; 4:9-16; 4:65-5:5; 5:22-39; 5:53-6:2; 6:11-13; 6:17-32; (WSNSDE0010653-67).
NICE'S PROPOSED CONSTRUCTION	col. 4: 9-24				At least a part of one or more of a plurality of IP data sessions. Intrinsic evidence: col. 3: 23-25 col. 7: 6-7
WITNESS' DISPUTED CLAIM TERMS					the portion of the IP data session
NICE'S DISPUTED CLAIM TERMS					
U.S. PATENT NO. 7,010,109			·		

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				Provisional Application No. 60/228,124 (the '124 Application), pg. 3, paragraphs 1 and 2; (WSNSDE051300-22).
				'106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72), Response, pg. 9; dated April 14, 2005; (WSNSDE051208-16), Response to Final, pg. 20-21, dated September 11, 2005; (WSNSDE051234-55).
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 25-26, dated October 6, 2005. (WSNSDE0010597-625).
recording at least the portion of the IP data session received as the additional participant of said conference call using said recording device.				